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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,213	08/18/2003	Fang-Chen Cheng	CHENG 7-14 2100.001400	4026
46290	7590	03/23/2006	EXAMINER	
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			NGUYEN, TUAN HOANG	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/643,213

Applicant(s)

CHENG ET AL.

Examiner

Tuan H. Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/29/2003</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/29/2003 has been considered by Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman").

Regarding claim 1, Holeman discloses a method, comprising: associating a delay with a request to transmit information (col. 3 lines 25-27); and transmitting a signal identifying a time at which information is permitted to be transmitted based on the delay (col. 3 lines 22-29).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 8-12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman") in view of Leatherbury et al. (U.S PUB. 2002/0136231 hereinafter, "Leatherbury").

Regarding claims 2, 9, and 16, Holeman discloses a method for controlling a flow of information, comprising: receiving a signal requesting to transmit information (col. 6 line 61 through col. 7 line 10); associating a delay with the request to transmit information (col. 3 lines 25-27); and transmitting a signal identifying the time at which information is permitted to be transmitted (col. 3 lines 22-29). Holeman differs from the claimed invention in not specifically teaching determining a time at which the information is permitted to be transmitted based on the delay. However, Leatherbury teaches determining a time at which the information is permitted to be transmitted based on the delay (page 12 [0081]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holeman for determining a time at which the information is permitted to be transmitted based on the delay, as per teaching of Leatherbury, because it provides a system and method for distributing

information via existing and future communication networks that meets the increasing demand for broadband content.

Regarding claims 3 and 10, Holeman further discloses transmitting a synchronizing signal to the user, and wherein transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted (col. 12 lines 29-38).

Regarding claims 4 and 11, Leatherbury further discloses transmitting the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted further comprises transmitting over a shared channel the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted (page 1 [0008] and page 2 [0011]).

Regarding claim 8, Leatherbury further discloses receiving the information at a first preselected time (page 2 [0016]); comparing the first preselected time with the identified time to determine the delay associated with the request to transmit information (page 3 [0018]).

Regarding claim 12, Leatherbury further discloses a plurality of users, and wherein: transmitting the synchronizing signal further comprises transmitting the

synchronizing signal over a shared channel to each of the plurality of users (page 1 [0008] and page 2 [0011]); and transmitting the signal identifying the time as a function of the synchronizing signal at which information is to be transmitted further comprises transmitting over the shared channel to the plurality of users a signal identifying a unique time, as a function of the synchronizing signal, at which information is to be transmitted (page 1 [0008] and page 2 [0011]).

6. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman") in view of Leatherbury et al. (U.S PUB. 2002/0136231 hereinafter, "Leatherbury") as applied to claims above, and further in view of Dutta (US PAT. 6,587,443).

Regarding claims 5 and 13, Holeman and Leatherbury, in combination, fails to disclose transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying a frame in which information is to be transmitted. However, Dutta teaches transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying a frame in which information is to be transmitted (col. 14 lines 32-60).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Dutta into view of Holeman and Leatherbury, in order to distribute signalling and messaging activities over all return channels of a channel group, by varying forward to return channel data rate ratios, and by reducing

message transport delays with respect to prior art communication systems, based on message traffic over such channel group.

Regarding claims 6 and 14, Dutta further discloses associating a delay with the request to transmit information further comprises determining a propagation delay (col. 12 lines 7-19).

Regarding claims 7 and 15, Dutta further discloses associating a delay with the request to transmit information further comprises determining a processing delay (Fig. 7 col. 22 lines 32-58).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman") in view of Kall (U.S. PAT. 6,957,063).

Regarding claim 19, Holeman discloses a method for controlling the flow of information between a user and a base station, comprising: receiving a synchronizing signal from the base station (col. 6 line 61 through col. 7 line 10); receiving a signal from the base station identifying a time relative to the synchronizing signal at which information is to be transmitted (col. 12 lines 29-38); and transmitting the information from the user to the base station at the identified time (col. 3 lines 22-29). Holeman differs from the claimed invention in not specifically teaching transmitting a signal from

the user requesting permission from the base station to transmit information. However, Kall teaches transmitting a signal from the user requesting permission from the base station to transmit information (col. 7 lines 7-16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holeman for transmitting a signal from the user requesting permission from the base station to transmit information, as per teaching of Kall, because it provides services conveyed to subscribers via a mobile communication system, and particularly to services-on-demand for which the subscriber is charged.

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman") in view of Kall (U.S PAT. 6,957,063) as applied to claim 19 above, and further in view of Leatherbury et al. (U.S PUB. 2002/0136231 hereinafter, "Leatherbury").

Regarding claim 20, Holeman and Kall, in combination, fails to disclose receiving a signal from the base station identifying the time at which information is to be transmitted further comprises receiving a signal from the base station identifying a substantially unique time at which information is to be transmitted. However, Leatherbury teaches receiving a signal from the base station identifying the time at which information is to be transmitted further comprises receiving a signal from the base station identifying a substantially unique time at which information is to be transmitted (page 11 [0072]). Therefore, it is obvious to one of ordinary skill in the art at the time the



invention was made to incorporate the disclosing of Leatherbury into view of Holeman and Kall, in order to provide a system and method for distributing information via existing and future communication networks that meets the increasing demand for broadband content.

Regarding claim 21, Leatherbury further discloses receiving a signal from the base station identifying the time at which information is to be transmitted further comprises receiving a signal from the base station identifying a substantially unique frame associated with the synchronizing signal during which information is to be transmitted (page 11 [0074]).

Regarding claim 22, Leatherbury further discloses receiving a synchronizing signal from the base station further comprises receiving a synchronizing signal from the base station over a shared channel (page 1 [0008] and page 2 [0011]).

9. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holeman, Sr. et al. (US PAT. 6,934,876 hereinafter, "Holeman") in view of Kall (U.S PAT. 6,957,063) and further in view of Leatherbury et al. (U.S PUB. 2002/0136231 hereinafter, "Leatherbury").

Regarding claim 17, Holeman discloses a method for controlling the flow of information between a user and a base station, comprising: associating a delay with the

user (col. 3 lines 25-27); transmitting a signal to the user identifying the time at which information is permitted to be transmitted (col. 3 lines 22-29); and transmitting the information from the user to the base station at the identified time (col. 3 lines 22-29). Holeman differs from the claimed invention in not specifically teaching transmitting a signal from the user requesting permission from the base station to transmit information. However, Kall teaches transmitting a signal from the user requesting permission from the base station to transmit information (col. 7 lines 7-16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holeman for transmitting a signal from the user requesting permission from the base station to transmit information, as per teaching of Kall, because it provides services conveyed to subscribers via a mobile communication system, and particularly to services-on-demand for which the subscriber is charged. Holeman and Kall, in combination, fails to disclose determining a time at which the user is to transmit the information to the base station, wherein the determined time is a function of the delay. However, Leatherbury teaches determining a time at which the user is to transmit the information to the base station, wherein the determined time is a function of the delay (page 12 [0081]). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Leatherbury into view of Holeman and Kall, in order to provide a system and method for distributing information via existing and future communication networks that meets the increasing demand for broadband content.

Regarding claim 18, Leatherbury further discloses receiving the information from the user at a first preselected time (page 2 [0016]); comparing the first preselected time with the identified time to determine the delay associated with the user (page 3 [0018]).

***Conclusion***

10. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2643

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**